

Express Mail Label No.: EV392160344US  
Date of Deposit: August 26, 2004

Atty. Docket No. 18989-028

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Victor Dzau *et al.*

SERIAL NUMBER: 10/701,789

EXAMINER: Not Yet Assigned

FILING DATE: November 5, 2003

ART UNIT: 1636

FOR: MESENCHYMAL STEM CELLS AND METHODS OF USE THEREOF

Mail Stop Sequence  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 23313-1450

TRANSMITTAL LETTER

Transmitted herewith for filing in the above-referenced patent application are the following documents:

1. Copy of Notice to File Missing Parts of Nonprovisional Application (2 pgs.);
2. Response to Notice to File Missing Parts (1 pg.);
3. Check No. 19216 in the amount of \$65.00 to cover Missing Parts fee;
4. Combined Declaration and Power of Attorney for Patent Application (3 pgs);
5. Substitute Drawings (19 pgs (Figs. 1-19B);
6. Paper copy of Sequence Listing (1 pg);
7. Computer Readable Form of Sequence Listing (1 diskette);
8. Statement in Support of Computer Readable Form Submission under 37 CFR § 1.821(f) (1 pg);
9. Preliminary Amendment (1 pg); and,
10. Return Receipt Postcard.

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at 617-542-6000, Boston, Massachusetts.

The Commissioner is authorized to charge any additional fees that may be due, or to credit any overpayment, to the undersigned's account, Deposit Account No. 50-0311, Ref. No. 18989-028. A duplicate copy of this transmittal letter is enclosed herewith.

Respectfully submitted,

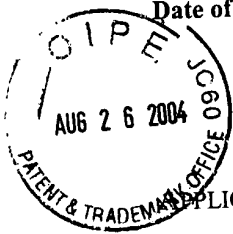


Ingrid A. Beattie, Reg. No. 42,306  
Cynthia A. Kozakiewicz, Reg. No. 42,764  
Attorneys for Applicants  
MINTZ, LEVIN  
One Financial Center  
Boston, Massachusetts 02111  
Tel: (617) 542-6000  
Fax: (617) 542-2241  
Customer No. 30623

Dated: August 26, 2004

Express Mail Label No.: EV392160344US  
Date of Deposit: August 26, 2004

Atty. Docket No. 18989-028



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

APPLICANT: Victor Dzau *et al.*  
SERIAL NUMBER: 10/701,789  
EXAMINER: Not Yet Assigned  
FILING DATE: November 5, 2003  
ART UNIT: 1636  
FOR: MESENCHYMAL STEM CELLS AND METHODS OF USE THEREOF


Mail Stop Sequence  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE TO FILE MISSING PARTS**

In response to the Notice To File Missing Parts mailed August 12, 2004, Applicants submit herein an executed Combined Declaration and Power of Attorney, payment of the \$65.00 surcharge for late filing (Check #19216), Initial Computer Readable Form Copy of the Sequence Listing, Paper copy of the Sequence Listing, Statement in Support of Computer Readable Form Submission Under 37 CFR § 1.821(f) and Replacement Drawings (Figures 1-19B). The response is due on or before October 12, 2004 without extension.

Please charge any additional fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311 (Reference No. 18989-028).

Respectfully submitted,

  
Ingrid A. Beattie, Reg. No. 42,306  
Cynthia A. Kozakiewicz, Reg. No. 42,764  
Attorney for Applicants  
c/o MINTZ, LEVIN  
One Financial Center  
Boston, Massachusetts 02111  
Tel: (617) 542-6000  
Fax: (617) 542-2241  
Customer No. 30623

Dated: August 26, 2004

08-27-04

Page 1 of 2

IFW



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/701,789	11/05/2003	Victor J. Dzau	18989-028

Mintz, Levin, Cohn, Ferris,  
Glovsky and Popeo, P.C.  
One Financial Center  
Boston, MA 02111



CONFIRMATION NO. 7439

## FORMALITIES LETTER



\*OC000000013512108\*

Date Mailed: 08/12/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
  - The drawings submitted to the Office are not electronically reproducible. Drawing sheets must be submitted on paper, which is flexible, strong, white, smooth, non-shiny, and durable (see 37 CFR 1.84(e)). See Figure(s) 1-3,5-16.
- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable

08/30/2004 JBALINAH 00000041 10701789

01 FC:2051

65.00 OP

- form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

**For questions regarding compliance to these requirements, please contact:**

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at [patin21help@uspto.gov](mailto:patin21help@uspto.gov) or [patin3help@uspto.gov](mailto:patin3help@uspto.gov)

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is \$65 for a Small Entity

- \$65 Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

---

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202  
PART 1 - ATTORNEY/APPLICANT COPY